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SUBJECT: Thai Government Plans Migrant Worker Amnesty

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Ref A: Bangkok 1319 (Unemployment)

¶1. (SBU) Summary: Thailand will soon implement an "amnesty" plan to register illegal migrants from Burma, Laos, and Cambodia who are employed in certain sectors of the Thai economy: fishing, fisheries-related work, construction, farming and livestock, and domestic work. While details of the plan are still being developed, the process envisioned would require these migrants to register by July 25 of this year and verify their nationality with the government by February 2010. The plan, while still not well understood by international or local observers, has elicited a mixed (but mostly negative) response so far. Some have lauded the plan as a positive initiative, noting any registration of illegal migrants is better than none. Still, others are quick to point out expected operational problems and potential for abuse that the process may open. Given the difficulties companies and laborers will likely face through participation in the registration, none of the observers that we consulted expect this registration process, as currently proposed, to successfully attract a large number of participants. End Summary.

Background and Rationale

¶2. (SBU) On May 26, the Royal Thai Government (RTG) cabinet approved a plan to open a new round of registration for unregistered migrant laborers in Thailand. While the plan and the procedures it envisions have not yet been formally announced, according to the Ministry of Labor (MOL) and Ministry of Foreign Affairs (MFA) officials we consulted, the registration process will cover illegal migrants from Laos, Cambodia, and Burma who arrived in Thailand after 2004 and are employed in five sectors: fishing, fisheries-related work, construction, farming and livestock, and domestic work. According to the plan, unregistered migrants in these economic sectors must apply for identification cards (that will act as work permits) and complete a citizenship verification process by February 2010. Thai officials have stated the government may, at some later date, expand the registration to include workers in other sectors of the economy should the government see a need to do so. Migrant workers (from Cambodia, Laos, and Burma) who had previously registered to work temporarily in Thailand may continue to renew their work permits.

¶3. (SBU) Economic migrants from Cambodia, Laos, and Burma, as well as those seeking to escape the Burmese regime, began crossing into Thailand in great numbers in the 1980s. Technically under Thai law, all such entries are illegal as are efforts to aid and assist illegal migrants. Recognizing the value of these migrants to the Thai economy, however, the government in 1992 began a series of amnesty registrations that allowed for those illegal migrants already working to remain in Thailand for a limited period to work

legally. Limited amnesty registrations (by sector, geographic area, or for renewals only) continued until 2004 when a blanket amnesty was provided for all working illegal migrants from Cambodia, Laos, and Burma. Every year since, these registered migrants have been allowed to renew their work permits. The number of registered migrants has gradually declined, however, from approximately 1.26 million in 2004 to approximately 540,000 today. Reasons given for this decrease include the changing of employers by migrants (who then thereby lose their registered status) and the lack of perceived benefits of registration by many migrants who often face poor treatment and discrimination. Today, the RTG estimates that in addition to the 540,000 registered migrants, between 1.3 and 1.5 million additional illegal migrants reside within Thailand.

14. (SBU) RTG discussions about a new registration process have been on-going for months. Plans for a registration last year were put on hold out of concern for rising unemployment due to the global economic crisis. The Thai government conducted several job fairs at which only a few Thais applied for jobs in the sectors covered by the registration. In light of this excess labor demand, the plan for a new migrant registration went forward.

The Process As Envisioned

15. (SBU) While the Thai Cabinet has approved the registration plan, various aspects of it, including the related citizenship verification system for those claiming Burmese nationality, still need to be developed. This citizenship verification process is expected to take at least a few months to be implemented. Some aspects of the plan have apparently been established and will require action by laborers, employers, and government offices by the following deadlines:

- The Ministry of Interior (MOI) must issue an official notification (much like a USG Federal Register Notice) that allows illegal

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migrants from Laos, Cambodia, and Burma to temporarily reside in Thailand. The RTG plans for this to happen within 30 days of the cabinet decision (possibly by June 25).

- The MOI's Department of Provincial Administration (DOPA) must receive all applicants for registration (from employees or their employers) within 30 days after the MOI issues its notification.

- The Ministry of Public Health will need to conduct health checks, and register migrants for health insurance by no later than 45 days after the DOPA registration.

- The MOL's Department of Employment (DOE) must receive from the MOI the names of the migrant workers applying for work permits and provide the MOI authorization for them to be issued. This is to be done within 60 days after DOPA first receives a migrant's application for registration.

- After DOPA receives proof of health screening from the MOPH and authorization from the DOE, DOPA will issue a migrant identification/work permit card (within 60 days after receiving authorization from the DOE).

- While migrants can receive work permits prior, they must complete a nationality verification process by February 2010.

16. (SBU) According to the current plan, spouses and children of migrant laborers will not be allowed to register, unlike the 2004 registration. Migrant workers registering in this round, regardless of which of the five listed employment sectors they enter, will receive work permits that prohibit them from working outside these five sectors. In order to change jobs within the five listed sectors, laborers (or their employers) must first transfer registration documentation from one employer to the next, and file the documentation with government authorities.

Citizenship Verification - A Necessary Evil

¶7. (SBU) One key component to the registration process, which even RTG officials admit is fraught with difficulties, is the verification of citizenship, at least for those claiming Burmese nationality. For those claiming citizenship from Laos and Cambodia, the RTG plans to (in collaboration with the governments of Laos and Cambodia) set up one-stop service centers in various locations in Thailand where migrants can go to verify their nationality. After doing so, migrants will receive a temporary passport and visa, allowing them to live and work in Thailand for two years. Registered migrants will generally be required to return to their country of origin to receive a permanent passport and visa (to replace the temporary ones received in Thailand) and then return as legal, temporary migrants. However, the RTG will allow migrants who do not want to return to Cambodia or Laos for the new passport to apply for a temporary passport extension at their embassy in Thailand.

¶8. (SBU) For migrants originating from Burma, the RTG has been negotiating with Burmese government officials for months with the hope of establishing a process similar to that established for migrants from Laos and Cambodia (Minister of Labor Phaitoon Kaeothong traveled to Burma the week of May 18 for this purpose). The Burmese government initially insisted that those claiming Burmese citizenship should travel to Burma to verify their citizenship, but has since backed away from this stance. According to a Thai MOL official June 5, the Thai and Burmese governments have agreed (at least in theory) to a plan that will require Thai employers to bring the Burmese migrant laborers to (yet to be established) Thai processing centers along the Burmese border for processing. Once registered at the Thai center, the migrant would then cross to another processing center on the Burmese side of the border to receive a temporary passport with which to cross back into Thailand. Once back on the Thai-side of the border, the migrant would then receive a non-immigrant visa from the Thai center and would be able to proceed to their place of employment. A Thai labor official claimed this entire process could be done in a day.

¶9. Several logistical hurdles stand in the way of this implementation, however. Currently, registered migrant laborers are not allowed to leave the province in which they are employed without seeking permission from the provincial governor. Also, under Thai immigration law, immigration police are obligated to deport unregistered illegal migrants whom they encounter. As such, MOL officials are discussing with MOI and Immigration police officials how to establish procedures that will allow for unregistered migrants to cross provincial lines and national borders in order to verify their nationality.

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Reaction Mixed, But Mostly Negative

¶10. (SBU) Observers from international organizations (the International Labor Organization and International Organization for Migration) and non-governmental organizations (NGOs) have little knowledge of the details of the plan. Some, including a representative from the International Organization for Migration (IOM) and a prominent labor activist, believe the registration is a good initiative. The IOM official plainly stated, "Is it a move in the right direction? Absolutely." Nonetheless, others are critical of the plan: the timeframe in which migrants can register is too short; migrants cannot change employers when they wish (potentially tying them to labor abusers); the nationality verification process (for Burmese) is overly burdensome on employers and laborers in terms of cost and time, and may require a reliance on potentially unscrupulous labor brokers.

¶11. (SBU) One NGO activist who works with ethnic minorities from Burma who reside in Thailand noted the communities he assists are confused by the lack of detail on the registration so far. He stated that virtually none of those he works with plan to participate in the registration, fearing they or their families in Burma will face extortion or other abuse should they have contact with the Burmese regime in order to verify nationality. They also fear for their fate in Thailand if this is to be the last registration of migrants, as RTG officials have reportedly stated.

In short, many echo the sentiments of a May 29 editorial in the Bangkok Post on the topic that "the short deadline and complicated system with its old constraints will fail to attract these underground workers." As one contact put it, perhaps a bit less eloquently, "same whiskey, different bottle."

Comment

¶12. (SBU) Should the Thai government's plan go forward as described to us, we should not expect Burmese migrants to flock in droves to apply for registration. The intransigence of the Burmese regime is to blame for what may very well be the most costly, complicated, and prone-to-abuse aspect of the plan - the verification of Burmese nationality. Thai officials with whom we spoke appeared genuinely frustrated when discussing negotiations with the Burmese government on the issue, nevertheless feeling that the registration process as envisioned is the best that can be hoped for under the circumstances. At the same time, aspects of the plan over which the Thai government has full control, for instance, the inability of spouses and children of migrants to register, also invite criticism for limiting benefits to the illegal migrant community in Thailand. We will seek opportunities, however limited, to urge our contacts both in government and in civil society to develop registration procedures in ways to maximize their success, at least to minimize vulnerabilities of those laborers who choose to participate. End Comment.

¶13. (U) This cable was coordinated with Embassy Rangoon.